

The Honorable BRIAN D. LYNCH  
Chapter 7 Proceeding  
Hearing Date: April 10, 2019  
Hearing Time: 9:00 a.m.  
Response Date: April 3, 2019  
Tacoma, Washington

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA**

In Re:

MAGGIE BOLAND,

Debtor,

Bankruptcy Case No.: 18-41253

MOTION TO APPROVE COMPROMISE,  
PAYMENT OF SPECIAL COUNSEL  
FEES AND EXPENSES AND PAYMENT  
OF ADMINISTRATIVE CLAIM

**COMES NOW**, the Trustee, Mark D. Waldron, by and through his attorneys, Law Offices of Mark D. Waldron, PLLC and moves this Court for an Order Approving Compromise and Payment of Special Counsel Fees and Expenses as follows:

1. The debtor, at the time of filing Chapter 7 had a pending personal injury claim relating to an auto accident which occurred on November 29, 2017.

2. The debtor was injured in the accident and treated with physical therapy and chiropractic care for her injuries. The debtor has now completed her treatment.

3. The trustee applied to the Court to appoint a personal injury attorney. Special Counsel, Law Offices of Harold Carr Law Group, PLLC, were appointed to represent the estate on a one-third contingency fee basis, plus costs, subject to Court approval, to resolve this claim.

4. The trustee has now received an offer to settle and compromise this claim for the policy limits of \$25,000.00. The trustee wishes to accept this settlement offer.



Special Counsel has also recommended those settlement terms. The trustee seeks authority to pay special counsel fees of \$8,332.50 plus the costs advanced by his law firm in the amount of \$663.66, representing a one-third contingency fee and costs.

5. There is an outstanding subrogation lien to Rawlings in the amount of \$4,332.49 which the trustee proposes to pay upon approval of this motion.

6. The debtor has an outstanding invoice to Capitol Physical Therapy in the amount of \$212.93. All of that treatment was incurred post-filing. Because the post-filing treatment by this creditor assisted in the settlement of the claim, the trustee believes it is appropriate to pay the \$212.93 as a post-filing administrative claim.

7. Therefore, the trustee proposes to accept the settlement offer, sign a release and distribute the \$25,000.00 as follows:

Proposed Settlement		\$25,000.00
Special Counsel (fees)	\$ 8,332.50	
(costs)	<u>663.66</u>	
	8,996.16	(8,996.16)
Rawlings subrogation lien		(4,332.49)
Capital Physical Therapy		<u>(212.93)</u>
<b>Bankruptcy Estate</b>		<b><u>\$11,458.42</u></b>

8. The debtor has listed this claim in the schedules and claimed an exemption in the amount of \$23,675.00 under 11 USC §522 (d)(11)(D) and \$12,580.00 under 11 USC §522 (d)(5). The trustee timely filed an objection, however, that matter has not been set for hearing.

9. This claim was disputed and there was substantial risk if litigated. However, a settlement was reached, subject to Bankruptcy Court approval. This proposed settlement is for the third party claim only. There is still an outstanding UIM claim which is still being



1 pursued. It is the belief and recommendation of the special counsel that this compromise  
2 be approved. Special counsel is a well-experienced personal injury attorney.

3 10. The trustee proposes to accept the \$25,000.00 settlement, sign a release of the  
4 claim, and pay the special counsel fees, costs, subrogation lien, and post filing medical  
5 obligation as set forth above.

6 11. The trustee believes that this compromise is in the best interest of the estate  
7 and its creditors. Therefore, the trustee proposes that the Court authorize a compromise  
8 and settlement as set forth above.

9 **DATED** this 13<sup>th</sup> day of March, 2019.

10 Law Offices of Mark D. Waldron, PLLC

11  
12 /s/ Mark D. Waldron  
13 MARK D. WALDRON (WSBA #9578)  
14 Attorney for Trustee  
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